

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 12918 of 2005

Between:

Gopi Krishna Granites India Ltd., Plot No.10A, Road No.2 Jubilee Hills,
Hyderabad, Rep by its Wholetime Director Sri S.R.H.K.V.R. Raja Bahadur
S/o.S.R.K.D.P.V.V.S.K.L.Raja Bahadur, 58 years, R/o.Hyderabad

..... PETITIONER

AND

The Employees Provident Fund Organisation, Rep by its Asst.Provident Fund
Commissioner, 12-1, Susheeram Complex, Patancheru, Medak district.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of writ declaring the action of the respondent in ordering damages of Rs.3,71,394/- under section 14-B of the E.P.F.Act for the delay in payment of Contributions for the period from Jan, 1999 to Jan-2003 as illegal and arbitrary and consequently set aside the demand notice No.AP/32567/SAO/PTC : PDRC No.6/05/2005/411 dt.17-5-2005 including order dt.28th June 2004 of the sole respondent and pass such other order or orders.

Counsel for the Petitioner : MR. G.VIDYASAGAR

Counsel for the Respondent : MR.R.N.REDDY

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.12918 OF 2005

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ORDER :

This writ petition is filed questioning the order dated 28-06-2004 passed by the respondent under Section 14-B of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (for short, 'the Act').

When the matter is taken up for consideration, the learned Standing Counsel appearing for the respondent, at the outset raised an objection as to the maintainability of the writ petition on the ground that against the impugned order an appeal lies under Section 7-I of the Act. Since an efficacious alternative remedy of appeal is available under the Act, without exhausting the said alternative remedy the petitioner cannot maintain this writ petition.

Accordingly, without expressing any opinion on merits, the Writ Petition is disposed of granting leave and liberty to the petitioner to work out the alternative remedy of appeal as available under Section 7-I of the Act. In case the petitioner prefers any such appeal within a period of six weeks from today, the same shall be entertained and appropriate orders be passed in accordance with law.

Having regard to the facts and circumstances of the case, there shall also be a further direction that the impugned order dated 28-6-2004 shall not be given effect to subject to the condition that the petitioner deposits half of the amount demanded under the impugned order within a period of four weeks from today.

The Writ Petition is accordingly disposed of. No costs.

20th June, 2005.

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To

1. The Asst. Provident Fund Commissioner, Employees Provident Fund Organisation, 12-1, Susheeram Complex, Patancheru, Medak district.
2. Two CD copies.